



General Assembly

February Session, 2012

Raised Bill No. 446

LCO No. 2470

02470_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE AMOUNT OF BOND THAT MAY BE SET
FOR MISDEMEANOR AND VIOLATION OFFENSES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 54-2a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2012*):

4 (b) The court, judge or judge trial referee issuing a bench warrant
5 for the arrest of the person or persons complained against shall, in
6 cases punishable by death or life imprisonment, set the conditions of
7 release or indicate that the person or persons named in the warrant
8 shall not be entitled to bail and may, in all other cases, set the
9 conditions of release. The conditions of release, if included in the
10 warrant, shall fix the first of the following conditions which the court,
11 judge or judge trial referee finds necessary to assure such person's
12 appearance in court: (1) Written promise to appear; (2) execution of a
13 bond without surety in no greater amount than necessary; or (3)
14 execution of a bond with surety in no greater amount than necessary.
15 No bond with surety set under this subsection as a condition of release
16 for a misdemeanor, as defined in section 53a-26, a violation, as defined

17 in section 53a-27, or any other offense for which a person may be
 18 sentenced to a term of imprisonment of not more than one year, shall
 19 be an amount greater than five thousand dollars unless the court,
 20 judge or judge trial referee makes specific findings of fact on the record
 21 why a greater amount is necessary.

22 Sec. 2. Subsection (a) of section 54-63d of the general statutes is
 23 repealed and the following is substituted in lieu thereof (*Effective*
 24 *October 1, 2012*):

25 (a) Upon notification by a police officer pursuant to section 54-63c
 26 that an arrested person has not posted bail, a bail commissioner shall
 27 promptly conduct an interview and investigation as specified in
 28 subdivisions (1) and (2) of subsection (a) of section 54-63b and, based
 29 upon the criteria established pursuant to subsection (b) of section 54-
 30 63b and except as provided in subsection (b) of this section, the bail
 31 commissioner shall promptly order release of such person on the first
 32 of the following conditions of release found sufficient to provide
 33 reasonable assurance of the person's appearance in court: (1) Upon the
 34 execution of a written promise to appear without special conditions;
 35 (2) upon the execution of a written promise to appear with any of the
 36 nonfinancial conditions as specified in subsection (c) of this section; (3)
 37 upon the execution of a bond without surety in no greater amount
 38 than necessary; or (4) upon the execution of a bond with surety in no
 39 greater amount than necessary. If the person is unable to meet the
 40 conditions of release ordered by the bail commissioner, the bail
 41 commissioner shall so inform the court in a report prepared pursuant
 42 to subdivision (4) of subsection (a) of section 54-63b. No bond with
 43 surety ordered under this subsection as a condition of release for a
 44 misdemeanor, as defined in section 53a-26, a violation, as defined in
 45 section 53a-27, or any other offense for which a person may be
 46 sentenced to a term of imprisonment of not more than one year, shall
 47 be an amount greater than five thousand dollars unless the bail
 48 commissioner makes specific findings of fact why a greater amount is
 49 necessary.

50 Sec. 3. Subsections (a) and (b) of section 54-64a of the general
51 statutes are repealed and the following is substituted in lieu thereof
52 (*Effective October 1, 2012*):

53 (a) (1) Except as provided in subsection (b) of this section, when any
54 arrested person is presented before the Superior Court, [said] the court
55 shall, in bailable offenses, promptly order the release of such person
56 upon the first of the following conditions of release found sufficient to
57 reasonably assure the appearance of the arrested person in court: (A)
58 Upon his execution of a written promise to appear without special
59 conditions, (B) upon his execution of a written promise to appear with
60 nonfinancial conditions, (C) upon his execution of a bond without
61 surety in no greater amount than necessary, (D) upon his execution of
62 a bond with surety in no greater amount than necessary. No bond with
63 surety set under this subsection as a condition of release for a
64 misdemeanor, as defined in section 53a-26, a violation, as defined in
65 section 53a-27, or any other offense for which a person may be
66 sentenced to a term of imprisonment of not more than one year, shall
67 be an amount greater than five thousand dollars unless the court
68 makes specific findings of fact on the record why a greater amount is
69 necessary. In addition to or in conjunction with any of the conditions
70 enumerated in subparagraphs (A) to (D), inclusive, of this subdivision
71 the court may, when it has reason to believe that the person is drug-
72 dependent and where necessary, reasonable and appropriate, order the
73 person to submit to a urinalysis drug test and to participate in a
74 program of periodic drug testing and treatment. The results of any
75 such drug test shall not be admissible in any criminal proceeding
76 concerning such person.

77 (2) The court may, in determining what conditions of release will
78 reasonably assure the appearance of the arrested person in court,
79 consider the following factors: (A) The nature and circumstances of the
80 offense, (B) such person's record of previous convictions, (C) such
81 person's past record of appearance in court after being admitted to
82 bail, (D) such person's family ties, (E) such person's employment

83 record, (F) such person's financial resources, character and mental
84 condition and (G) such person's community ties.

85 (b) (1) When any arrested person charged with the commission of a
86 class A felony, a class B felony, except a violation of section 53a-86 or
87 53a-122, a class C felony, except a violation of section 53a-87, 53a-152
88 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,
89 inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136
90 or 53a-216, or a family violence crime, as defined in section 46b-38a, is
91 presented before the Superior Court, [said] the court shall, in bailable
92 offenses, promptly order the release of such person upon the first of
93 the following conditions of release found sufficient to reasonably
94 assure the appearance of the arrested person in court and that the
95 safety of any other person will not be endangered: (A) Upon such
96 person's execution of a written promise to appear without special
97 conditions, (B) upon such person's execution of a written promise to
98 appear with nonfinancial conditions, (C) upon such person's execution
99 of a bond without surety in no greater amount than necessary, (D)
100 upon such person's execution of a bond with surety in no greater
101 amount than necessary. No bond with surety set under this subsection
102 as a condition of release for a misdemeanor, as defined in section 53a-
103 26, a violation, as defined in section 53a-27, or any other offense for
104 which a person may be sentenced to a term of imprisonment of not
105 more than one year, shall be an amount greater than five thousand
106 dollars unless the court makes specific findings of fact on the record
107 why a greater amount is necessary. In addition to or in conjunction
108 with any of the conditions enumerated in subparagraphs (A) to (D),
109 inclusive, of this subdivision, the court may, when it has reason to
110 believe that the person is drug-dependent and where necessary,
111 reasonable and appropriate, order the person to submit to a urinalysis
112 drug test and to participate in a program of periodic drug testing and
113 treatment. The results of any such drug test shall not be admissible in
114 any criminal proceeding concerning such person.

115 (2) The court may, in determining what conditions of release will

116 reasonably assure the appearance of the arrested person in court and
 117 that the safety of any other person will not be endangered, consider the
 118 following factors: (A) The nature and circumstances of the offense, (B)
 119 such person's record of previous convictions, (C) such person's past
 120 record of appearance in court after being admitted to bail, (D) such
 121 person's family ties, (E) such person's employment record, (F) such
 122 person's financial resources, character and mental condition, (G) such
 123 person's community ties, (H) the number and seriousness of charges
 124 pending against the arrested person, (I) the weight of the evidence
 125 against the arrested person, (J) the arrested person's history of
 126 violence, (K) whether the arrested person has previously been
 127 convicted of similar offenses while released on bond, and (L) the
 128 likelihood based upon the expressed intention of the arrested person
 129 that such person will commit another crime while released.

130 (3) When imposing conditions of release under this subsection, the
 131 court shall state for the record any factors under subdivision (2) of this
 132 subsection that it considered and the findings that it made as to the
 133 danger, if any, that the arrested person might pose to the safety of any
 134 other person upon the arrested person's release that caused the court
 135 to impose the specific conditions of release that it imposed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	54-2a(b)
Sec. 2	October 1, 2012	54-63d(a)
Sec. 3	October 1, 2012	54-64a(a) and (b)

Statement of Purpose:

To establish limitations on the amount of bond with surety that may be set as a condition of release for misdemeanor and violation offenses unless the court, judge, judge trial referee or bail commissioner makes specific factual findings as to why a greater amount of bond is necessary.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]